

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, January 8, 2001 at 6:30 PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Aaskov and roll call was answered by the following:

Commissioner Bingham	Commissioner Bridges
Commissioner Kaleel	Commissioner Willens
Mayor Aaskov	

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

None

Consent Agenda

1. Minutes of the Regular Town Commission Meeting of December 4, 2000
2. Appointment of Poll Workers By: Karen E. Hancsak, Town Clerk
3. Approval of Annual Audit for Fiscal Year 1999/2000 Prepared by Bob Rivers & Company By: Karen E. Hancsak, Town Clerk
4. Confirmation of New Public Safety Officer and Public Safety Dispatcher/Clerk By: Gregory L. Dunham, Town Manager
5. Ocean Ridge Resolution No. 2001-01; Authorizing the execution of a mutual aid agreement for law enforcement assistance between the Town and Palm Beach County law enforcement agencies
6. Authorize amount not to exceed \$6,100 to Dunkelberger Engineering for soil borings associated with flood control for Spanish River Drive and Hudson Ave.

Comm Kaleel moved to approve the consent agenda, seconded by Comm Bridges.

Motion carried – yea 5.

Announcements and Proclamations

7. 2001 Municipal Election Proclamation
  - a. Date of Election is February 13, 2001
  - b. One Commission Seat for a Three Year Term
  - c. Candidate Filing Dates run January 2, 2001 – January 24, 2001 at 3:00 PM
  - d. Polls will be open 7AM – 7PM

Town Clerk Hancsak read the above proclamation adding that the candidate filing packets were available at the Town Clerk's Office.

8. Financial Summary By: Karen E. Hancsak, Town Clerk

Town Clerk Hancsak advised that at year-end the Town had \$3,188,184 in cash and investments, which was down slightly from the previous year primarily because of the \$270,000 land purchase from Boynton Beach. She advised that the fund balance of \$2,767,013 was an increase from the previous year with the self-insurance and beautification accounts also increasing.

Town Clerk Hancsak explained that the Capital Projects Fund fund balance of \$132,175 had decreased from \$384,170 of the previous year due to the Boynton Beach land purchase. She advised that the total General Fund revenues for the FY 1999/2000 were \$2,371,169 and the actual expenditures totaled \$2,235,666. She advised that only the sanitation account exceeded its budget and that was due to the increased dumpster fees as a result of Hurricanes Floyd and Irene. She added that this cost was partially reimbursed by the State and is reflected in the revenues for physical environment.

The Town Commission had no further questions regarding the audit or the financial summary.

Public Comment

Theresa Moore, member of law firm representing Ocean Harbour Estates, advised that she was present at the meeting to respond to resident complaints about the lighting at the development. She advised that they had now completed the project regarding the lights which included lowering the wattage from 100W to 70W and placing shields on those lights adjacent to other homes. She added that they hired an electrician to compare the wattage of the lights on their street to neighboring streets and their wattage was found to be lower.

Comm Bridges advised that he wanted to put her firm and the developer again on notice that he felt their drainage was inadequate. Ms. Moore stated that she was not present at the meeting to discuss drainage, but rather the lighting problem. She added that she did believe the firm of Shalloway, Foy, Rayman and Newell had reviewed their drainage and found it to be adequate.

Mayor Aaskov stated that she was grateful for the lighting changes that had been made, as there was a significant difference now in the amount of light on her residence.

Public Hearings

9. An application submitted by Patricia Pugliese, 800 Andrews Ave., #8, Delray Beach, FL 33483, requesting a variance from the provisions of the Buildings and Building Regulations, Article II, TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS, Section 14-27, Floor elevations, Sub-Paragraph (a)(3) Maximum Finished Floor Elevation

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(FFE) shall be no higher than 1' above the established minimum FFE, Sub-Paragraph (a)(5) Garages are not prohibited provided that all enclosed areas shall have a minimum FFE of not less than 8' above zero elevation and no artificial filling of land is used to create same and the Land Development Code, Article VII; COASTAL CONSTRUCTION CODE, Section 26-108; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback Line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new single family home, with a maximum finished floor elevation of 17.3' and a garage with a floor elevation of 7.3' which would extend approximately 140' east of the Coastal Construction Control Line located at 35 Hersey Drive (extreme southeast end of Hersey Dr.) or legally described as the Southerly Portion of Lot "A" and Lot "B" of Shoreview Subdivision (POSTPONED ITEM)

Jeff Kurtz, attorney for Patricia Pugliese, advised that the DEP is requiring the FFE to be 17.3' and that the home is designed to have two stories above this FFE with a garage underneath. He stated that the staff is interpreting that this is a 42' three story residence when his position is that the ground floor actually starts at the 17.3'. He explained that he and the staff agree that it would be within the Town Codes to bring in fill to 15', place a 2.3' pad on top of that and build a 36' two story house with a total height of 53'. He stated that they were now proposing a two-story home (with a garage underneath) at a total of 39.7' which would bring it to a total height of 47' when the 7.3' FFE of the garage is included. He stated that this would be 6' lower than the possible height if fill is brought in. He added that Randall Stoft who will be designing the house next door to the Pugliese's was also present at this meeting and will be designing that home to the same direction as the Town Commission wants this one.

Atty Spillias stated that there are two issues involved. The first is the practical issue which means that since there are two lots at the end of Hersey, what is done for one will most likely be done to the other. He stated that there is also the legal issue involved. He suggested that if it is the consensus of the Town Commission to have a residence built without fill that the Town Commission grant the variance of the FFE of the garage at 7.3' with the conditions that a Board of Adjustment variance be granted for the height and story requirements, provided the home be no higher than 39.7' or 47' NGVD, that the plans meet all State, County and Town requirements and that the Town Commission would recommend approval of the variance to the Board of Adjustment. He added that the Pugliese's have also filed an appeal to the staff's interpretation that this is a three-story residence.

Comm Bridges questioned if all of the garage area is included in the FAR to which Atty Spillias stated that the garage would be included in the FAR by definition.

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Jose Obesa, architect for the project, advised that the garage, stairs and elevator on the bottom floor are all included in the FAR. Mr. Kurtz observed that there is an area in the garage on the plans marked non-usable space to which Mr. Obesa advised that they would like to have a slab in that area for moisture reasons. Mr. Kurtz advised that it would be acceptable to his client that everything with a slab count towards the FAR. Comm Kaleel questioned if the Town Codes state that anything with a slab would count towards the FAR to which Comm Bridges advised that it would. Atty Spillias reiterated that one of the conditions that he suggested is that the plans meet all other Town Codes. Comm Bridges stated that he felt this design was a better alternative to bringing in fill.

Comm Bingham questioned what protection the Town would have that they do not turn the garage into living space to which Atty Spillias stated that it would be a violation of both the Town Codes and DEP permits and could be brought before Code Enforcement for both the Town and State.

Earl Jones, 14 Sailfish Lane, questioned the frangible walls proposed for the garage floor and whether they would include both interior and exterior walls. He also questioned if anyone had verified that once broken that they would only flow out to the Ocean as Mr. Obesa had previously advised. Mr. Kurtz advised that both the exterior and interior walls of the garage are required to be frangible.

Comm Bridges moved to grant the variance for a 7.3' FFE for the garage conditioned upon the granting of a variance from the Board of Adjustment for the height and story requirements, provided the home would be no higher than 39.7' or 47' NGVD, that the plans meet all State, Town and County requirements, any slab area on the garage level be included in the FAR, the Town Commission would recommend approval to the Board of Adjustment and that a permit be granted for construction east of the CCCL.

Regarding the frangible walls, Comm Bridges commented if a storm is big enough to break the walls apart, any type of construction is going to flow both to and from the Ocean.

Comm Kaleel seconded Comm Bridges' motion.

Motion carried – yea 5.

Atty Spillias advised that a variance would need to be approved for the FFE of 17.3' to meet the DEP requirements.

Comm Willens moved to grant a variance for a maximum FFE of 17.3' to meet the DEP requirements, seconded by Comm Kaleel.

Motion carried – yea 5.

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### Regular Agenda

#### Actions and Reports

#### 10. Request for Unity of Title – Patricia Pugliese, 35 Hersey Drive (Postponed Item)

Atty Spillias advised that it would be a Town requirement to have a unity of title on this property so that the portion east of Old Ocean Blvd could not be sold off separately since it is being used in the FAR calculations.

Comm Kaleel moved to approve the unity of title, seconded by Comm Bridges.

Comm Bridges questioned where the property line is determined on their eastern property to which Town Manager Dunham explained that the property line is calculated to the mean high water mark.

Motion carried – yea 5.

Mr. Kurtz stated that he would like to compliment the staff on their cooperation and contributions towards this project.

#### 11. Update on Ocean Ave. bridge By: Gregory L. Dunham, Town Manager

Town Manager Dunham stated that the latest estimate was for the bridge to open at the end of January. He advised that he had notified the District Secretary about the flooding problems. Comm Bingham questioned what recourse the Town would have if the problems such as the large amount of silt build up in the pipes are not corrected. Comm Bridges stated that the silt buildup is a result of the filter cloths that the contractor is required to have in place and that he does not believe that the drainage could be worse now than it was before the construction since there is less asphalt in the area.

Comm Kaleel stated that he still did not feel that the drainage was working properly. He suggested that the Town have an engineer indicate what our problems are and then have DOT either explain how they are going to be remedied or prove the Town wrong. Town Manager Dunham stated that he would check into this.

Town Clerk Hancsak advised that she has been attending planning meetings with Boynton Beach regarding the bridge opening celebration. She advised that the Town would be able to co-host the event with Boynton Beach adding that the Town would most likely have to contribute money in order to do so. She questioned if the Town Commission wanted her to continue to attend these meetings with Boynton Beach. Comm Kaleel stated that the Town had an obligation to co-host this event and that 50% of a reasonable cost for a celebration may be acceptable as long as the Town still has a say in the arrangements. The Town Commission concurred that Town Clerk Hancsak should continue to attend the meetings and report to them before any commitments are made.

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12. Purchase of Mosquito Magnet not to exceed \$2,000 from the contingency account for a pilot program for control of noseemus.

Comm Kaleel moved to approve the purchase of the Mosquito Magnet in an amount not to exceed \$2,000 from the contingency account, seconded by Comm Bridges.

Motion carried – yea 5.

Comm Kaleel stated that it is a program that the Town should start so it can pass the results on to the residents. He added that the program being used at St. Mark's in Boynton Beach is also doing very well in controlling noseemus.

Town Manager Dunham advised everyone that there would be a Special Town Commission Meeting on Thursday, January 18, 2001 at 8:30 AM to review the flood control study.

Adjournment

The meeting was adjourned at 7:45 PM.

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Mayor Aaskov

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Commissioner Bingham

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Commissioner Bridges

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Commissioner Kaleel

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Commissioner Willens

Attest By:

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Town Clerk